

Special Meeting  
January 23, 1995

The Special Meeting of the Annapolis City Council was held on January 23, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, Turner, DeGraff

Alderman Tullier arrived at 7:35

Alderman Moyer arrived at 7:35

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty

Mayor Hopkins presented Citations of Merit to Gary Jobson, Bruce Farr, and Miguel Ferrer for their extraordinary contributions to the maritime and economic development of the City of Annapolis through their successful efforts to bring the 1997-98 Whitbread Round the World Race to City Dock in April, 1998.

**PUBLIC HEARINGS**

1. Application of Morrison Restaurants, Inc., t/a Ruby Tuesday Restaurant, for a conditional use to establish a standard restaurant with alcoholic beverage service to be located at 2025 Summerville Road, Annapolis.

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman made a presentation on the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 12/15/94, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 11/29/94.

Jonathan A. Hodgson, attorney for the applicants, John Clapsaddle, RBA Group, 5560 Sterrett Place, Suite 300, Columbia, MD 21044, Glen Crowell, Ruby Tuesday's Regional Office, 12450 Fair Lakes Circle, Suite 350, Fairfax, VA 22033, were present and answered questions addressed by the Aldermen.

Mayor Hopkins accepted into the record photographs submitted by Mr. Hodgson.

Speaking in favor of the application

1. Louise Beauregard  
2 MD Avenue  
Annapolis, MD 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application with action to be taken at the next Regular meeting.

2. **O-27-94** For the purpose of requiring that all streets to be constructed in new subdivisions and/or planned developments in the City of Annapolis shall be owned and maintained by the City of Annapolis and shall conform to City standards prior to conveyance to City ownership; for providing a mechanism whereby the mayor and Aldermen may reduce the amount of required right-of-way or pavement width; and all matters relating to said streets.

Planning and Zoning Deputy Director Arason presented a background report on the ordinance.

Planning Commission Chair Hillman made a presentation on the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 9/22/94, and a Memorandum from Eileen P. Fogarty to the Planning Commission dated 9/1/94.

Speaking in favor of the ordinance

1. Craig Purcell  
159 Hanover Street  
Annapolis, MD 21401
2. Louise Beauregard  
2 Maryland Avenue  
Annapolis, MD 21401

Speaking in opposition to the ordinance

1. Bob Rice  
East Street  
Annapolis, MD 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed with action to be taken at the next Regular meeting.

The order of the agenda was amended to allow for **LEGISLATIVE ACTION**.

**LEGISLATIVE ACTION**

1. **O-30-94** Sponsored by Mayor Hopkins

For the purpose of clarifying the circumstances under which a use permit may be issued; and all matters relating to said use permits.

Alderman DeGraff moved to reconsider O-30-94 on second reading. Seconded.

Alderman Snowden moved to amend O-30-94 as follows:

**Amendment No. 1**

On Page 2, line 31, add the following:

"F. THE DIRECTOR OF PLANNING AND ZONING, IN CONSULTATION WITH THE CITY ATTORNEY, MAY WAIVE THE REQUIREMENTS OF SECTION 21.78.010C AFTER THE DIRECTOR MAKES A WRITTEN DETERMINATION THAT FOR REASONS SET FORTH THEREIN, SUCH A WAIVER IS IN THE BEST INTEREST OF THE CITY AND DOES NOT IMPERIL OR PROLONG AN EXISTING PERIL TO LIFE OR PROPERTY".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend O-30-94 as follows:

**Amendment No. 2**

On Page 2, line 14, immediately following "CITY" strike "CODE" and substitute "BUILDING OR ZONING LAWS".

**Amendment No. 3**

On Page 2, line 16, immediately following "CITY" add "CHARGED WITH THE ENFORCEMENT OF SAID LAWS".

**Amendment No. 4**

On Page 2, line 18, immediately following "A" add "BUILDING AND/OR ZONING CODE".

**Amendment No. 5**

On Page 2, line 30, immediately following "CITY" add "AS DESCRIBED IN SUBSECTIONS C AND D OF THIS SECTION".

Seconded. CARRIED on voice vote.

Alderman Turner moved to amend O-30-94 as follows:

**Amendment No. 6**

On Page 2, line 10, immediately following "PERSON", strike "OR IF THE OWNER, OCCUPIER OR TENANT OF THE SUBJECT PROPERTY"; and on line 27, immediately following "APPLICANT", strike "NOR ANY OWNER, OCCUPIER OR TENANT OF THE SUBJECT PROPERTY".

**Amendment No. 7**

On Page 2, line 26, immediately following "THAT" strike "NEITHER".

**Amendment No. 8**

On Page 2, line 28, immediately following "HAS" add "NOT"; and on line 29, immediately following "AND" strike "THAT NO SUCH PERSON"; and on that same line, immediately following "HAS" add "NOT".

Seconded. DEFEATED on voice vote.

Alderman DeGraff moved to adopt O-30-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-30-94 Amended on third reading. Seconded. CARRIED on voice vote.

Alderman Turner left at 8:25 p.m.

The agenda was resumed.

**PUBLIC HEARINGS**

4. Application of Shorewash, Inc. to amend an existing conditional use to operate an

automobile car wash to remove the restriction on the hours of operation on property located at 1918 West Street, Annapolis.

Planning and Zoning Director Fogarty presented a background report on the application.

Alderman DeGraff left at 8:30 p.m.  
Alderman Snowden left at 8:30 p.m.

Planning Commission Chair Hillman made a presentation on the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 1/19/95, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 12/29/94.

Jonathan A. Hodgson, attorney for the applicants, and Linda Hill, property owner, 116 High Street, Cambridge, MD, and Matt Smith, site manager, were present and answered questions addressed by the Aldermen.

No one from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application with action to be taken at the next Regular meeting.

Upon motion duly made, seconded and adopted, the meeting adjourned at 9:20 p.m.

**DEBORAH HEINBUCH, CMC  
DEPUTY CITY CLERK**